

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

DAVID M. DAUGHERTY,

PLAINTIFF

V.

CIVIL ACTION NO. 5:14-cv-24506

OCWEN LOAN SERVICING, LLC,

DEFENDANT

**PLAINTIFF'S NOTICE OF ELECTION TO ACCEPT THE PUNITIVE
DAMAGES AWARD OF \$600,000 AND MOTION FOR LEAVE TO SEEK
APPELLATE ATTORNEYS' FEES**

On July 26, 2017, the Fourth Circuit filed an opinion remanding this matter to this Court and instructed that Mr. Daugherty be provided the option of accepting the reduced punitive damages award of \$600,000 or of proceeding to a new trial on punitive damages. The Fourth Circuit entered the Mandate on August 17, 2017, making its opinion take effect. Plaintiff files this notice to inform the District Court of his election of the option to accept the punitive damages award of \$600,000 per the July 26, 2017 Opinion.

Plaintiff further moves this Court for leave to file a motion to recover appellate attorney fees pursuant to Local Rule 46(e) of the Federal Rules of Appellate Procedure and *Nigh v. Koons Buick Pontiac GMC, Inc.*, 478 F.3d 183 (4th Cir. 2007).

DAVID M. DAUGHERTY

BY COUNSEL

HAMILTON, BURGESS, YOUNG
& POLLARD, PLLC

BY: /s/ Jed R. Nolan
Ralph C. Young (*W. Va. Bar #4176*)
ryoung@hamiltonburgess.com
Christopher B. Frost (*W. Va. Bar #9411*)
cfrost@hamiltonburgess.com
Steven R. Broadwater, Jr. (*W. Va. Bar #11355*)
sbroadwater@hamiltonburgess.com
Jed R. Nolan (*W. Va. Bar #10833*)
jnolan@hamiltonburgess.com
Counsel for Plaintiff
P. O. Box 959
Fayetteville, WV 25840
304-574-2727

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

DAVID M. DAUGHERTY,

PLAINTIFF

V.

CIVIL ACTION NO. 5:14-cv-24506

OCWEN LOAN SERVICING, LLC,

DEFENDANT

CERTIFICATE OF SERVICE

The undersigned, counsel of record for Appellee, does hereby certify on this 18th day of August, 2017, that the required copies of the foregoing **PLAINTIFF'S NOTICE OF ELECTION TO ACCEPT THE PUNITIVE DAMAGES AWARD OF \$600,000 AND MOTION FOR LEAVE TO SEEK APPELLATE ATTORNEYS' FEES** was filed with the Clerk of the Court using the Court's CM/ECF system which will send notification of such filing to the following CM/ECF participants:

John C. Lynch, Esq.

Jason E. Manning, Esq.

TROUTMAN SANDERS LLP

222 Central Park Avenue, Suite 2000

Virginia Beach, VA 23462

Counsel for Defendant-Appellant Ocwen Loan Servicing, LLC

john.lynch@troutmansanders.com

jason.manning@troutmansanders.com

/s/ Jed R. Nolan

JED R. NOLAN (WVSB #10833)

jnolan@hamiltonburgess.com